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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,168	12/01/2003	David Bentley Craig	USAA-0088/US-0016.01	8161
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EXAMINER				
WONG, ERIC TAK WAI				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/725,168

**Applicant(s)**

CRAIG ET AL.

**Examiner**

ERIC T. WONG

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-5,8-10,24,26,27,30 and 44-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,8-10,24,26,27,30 and 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

1. Claims 1, 3-5, 8-9, 24, 26-27, 30 are currently amended. Claim 10 is original. Claims 44-50 are new. Claims 11-23 and 31-43 are withdrawn. Claims 2, 6, 7, 25, 28, and 29 are canceled. Claims 1, 3-5, 8-10, 24, 26-27, 30, 44-50 are pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-5, 8-10, 24, 26-27, 30, 44-50 rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant admission of prior art in view of Vincent (US PG-Pub US 2002/0165815 A1), further in view of Barr (US Patent 6,389,470), further in view of Parker (US Patent No. 4,958,368), further in view of Rousseau (US PG-Pub US 2003/0040997 A1).

### **Regarding claim 1,**

Examiner notes that the limitations in the preamble are not given patentable weight since they are directed towards intended use.

The claim is drawn to a method for providing a redundant system. A redundant system is a system which is a secondary system of backup equipment that performs similarly to a primary system, thereby preventing network downtime and system outages (see Vincent,

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paragraph 8). In particular, the claims describe a system and method capable of opening an electronic account and transacting business over the Internet while a normally necessary host processing system is unavailable. Applicant admits that the features of the primary system, ie. electronic transactions, were known at the time of invention (see paragraph 6). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the financial transaction system of Applicant admission of prior art to include a redundant system as taught by Vincent. One skilled in the art would have been motivated to make the modification for the benefit of minimizing the chance of lost profit by preventing system shutdowns (see Vincent, paragraph 8).

The claim further recites that the redundancy is accomplished through a middleware tier. Barr teaches using a middleware tier to automatically provide redundancy (see column 2 lines 30-32, claims 1 and 13). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the financial transaction system of Applicant admission of prior art further to include a middleware tier which determines that the host processing system is unavailable. One skilled in the art would have been motivated to make the modification because middleware is a standard way to allow applications to interact across hardware and network environments.

The claim further recites that the redundancy is accomplished through the recording of transactions to a temporary repository until it is determined that the main host processing system is available. Parker teaches storing an electronic record in a temporary repository to establish within said temporary repository an electronic account relating to said customer; receiving transaction instructions from said customer relating to said electronic account; utilizing said electronic account, executing said transaction instructions; creating a log of executed transactions associated with said electronic account; determining that said host processing system is available; retrieving said electronic account from said temporary repository; and

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copying said electronic account and said log of executed transactions to said host processing system (see column 7 lines 54-63). It would have been obvious to one of ordinary skill in the art to modify the financial transaction system of Applicant admission of prior art further with storing an electronic record in a temporary repository to establish within said temporary repository an electronic account relating to said customer; receiving transaction instructions from said customer relating to said electronic account; utilizing said electronic account, executing said transaction instructions; creating a log of executed transactions associated with said electronic account; determining that said host processing system is available; retrieving said electronic account from said temporary repository; and copying said electronic account and said log of executed transactions to said host processing system. One skilled in the art would have been motivated to make the modification in order to provide redundancy (see Vincent, paragraph 8). The modification would have merely been the application of a known technique to a known system which was ready for improvement to yield predictable results, ie. a system which is capable of performing normal functions even when the main host processing server is down.

The claim further recites that an available account number is determined which is associated with personal information received. Rousseau teaches determining an available account number and associating personal information with said available account number (see paragraph 55). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the financial transaction system of Applicant admission of prior art further with receiving personal information relating to the customer at the middleware tier, determining an available account number at the middleware tier, associating said personal information with said available account number to create an electronic record. One skilled in the art would have been motivated to make the modification to avoid duplicate account numbers.

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**Regarding claim 3,**

Rousseau teaches wherein said available account number is calculated through application of a computer algorithm matching that utilized by said host processing system when said system is available. Examiner notes the reference as teaching a remote method invocation call (RMI), which is equivalent to using the same computer algorithm by the host system. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the financial transaction system of Applicant admission of prior art further with wherein said available account number is calculated through application of a computer algorithm matching that utilized by said host processing system when said system is available. One skilled in the art would have been motivated to make the modification to avoid duplicate account numbers.

**Regarding claim 4,**

Applicant admission of prior art teaches the creation of electronic accounts in financial transaction systems (see paragraph 6). Parker teaches wherein said temporary repository comprises a queue. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the financial transaction system of Applicant admission of prior art further to include using the queue for the creation of new electronic accounts. One skilled in the art would have been motivated to make the modification for the benefit of providing a redundant system (see Vincent, paragraph 8).

**Regarding claim 5,**

Rousseau et al. teaches wherein said electronic account is extracted from an inventory of blank electronic accounts. Examiner notes only using available account numbers is equivalent to extracting from an inventory of blank electronic accounts. It would have been

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obvious to one of ordinary skill in the art at the time of invention to modify the financial transaction system of Applicant admission of prior art further to include wherein said electronic account is extracted from an inventory of blank electronic accounts. One skilled in the art would have been motivated to make the modification to avoid duplicate use of the account number.

**Regarding claim 8,**

Applicant admission of prior art teaches wherein said host processing system comprises an online account management system for purchasing financial products. Applicant admission of prior art does not explicitly teach the system is selected from the group consisting of a brokerage management system, a mutual fund management system, an annuity management system, a financial account processing system, a mutual fund wrap management system, a separate managed account system, a deposit account management system, and a loan account management system. Official Notice is taken that each type of the types of system listed were old and well known in the art at the time of invention. It would have been obvious to one of ordinary skill in the art to modify the financial transaction system of Applicant admission of prior art to include the host processing system being selected from the listed systems. The modifications would have been the application of a known technique to known systems which were ready for improvement to yield predictable results, ie. systems which are capable of performing normal functions even when the main host processing server is down.

**Regarding claim 9,**

Applicant admission of prior art teaches that it was old and well known in the art at the time of invention to keep track of how many items are in a queue. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the financial

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system of Applicant admission of prior art further to include providing counting means for recording the number of accounts created during system unavailability. One skilled in the art would have been motivated to make the modification because it is useful to know how many items there are to process (eg. for using a counter in a loop in a computer program).

**Regarding claim 10,**

Applicant admission of prior art teaches that it was old and well known in the art at the time of invention to reset counting means. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the financial system of Applicant admission of prior art further to include resetting said counting means upon system availability. One skilled in the art would have been motivated to make the modification because it is useful to know how many items there are to process (eg. for using a counter in a loop in a computer program).

**Regarding claims 24, 26-27, 30,**

The claims are directed to the redundant computer systems recited by the methods for providing those systems discussed above and are therefore rejected upon similar reasoning.

**Regarding claims 44-50,**

The claims are directed to a computer-readable medium comprising instructions to perform the methods for providing redundant systems discussed above and are therefore rejected upon similar reasoning.



***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC T. WONG whose telephone number is 571-270-3405. The examiner can normally be reached on Monday-Friday 9:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/  
Supervisory Patent Examiner, Art Unit 3693

ERIC T. WONG  
Examiner  
Art Unit 3693

July 22, 2008